

### **REMARKS**

Claims 1-17 are pending in the present application. By this Amendment, previously presented claim 2 has been amended; and new claims 6-17 have been added. Applicants respectfully request reconsideration of the present claims in view of the foregoing amendments and the following remarks.

#### **I. Formal Matters:**

Previously presented claims 1-5 were subject to the following restriction requirement.

#### **Restriction Requirement:**

The October 08, 2010 Office Action proposes to separate previously presented claims 1-5 into four separate groups:

Group I, Claims 1 (in part), 2-3 and 4 (in part), directed to a method for obtaining lumber that does not require termite-proofing, the method comprising injecting a tree trunk with a preparation comprising a neonicotinoid-based insecticide, a solvent miscible in water, and surfactant;

Group II, Claims 1 and 4 (all claims in part), directed to a method for obtaining lumber that does not require termite-proofing, the method comprising injecting a tree trunk with a preparation comprising an organic phosphorus-based insecticide, a solvent miscible in water, and surfactant;

Group III, Claims 1 and 4 (all claims in part), directed to a method for obtaining lumber that does not require termite-proofing, the method comprising injecting a tree trunk with a preparation comprising a synthetic pyrethroid-based insecticide, a solvent miscible in water, and surfactant; and

Group IV, Claims 1 and 4 (all claims in part), directed to a method for obtaining lumber that does not require termite-proofing, the method comprising injecting a tree trunk with a preparation comprising a carbamate-based insecticide, a solvent miscible in water, and surfactant.

Applicants respectfully submit that the search and examination associated with

Groups I to IV is not unduly burdensome on Examiner Pak. As stated in the MPEP, §803, "If the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent and distinct inventions." For at least this reason, Applicants respectfully submit that the restriction should be withdrawn.

If Examiner Pak maintains the present restriction requirement, Applicants elect, **without traverse**, the claims of Group I, Claims 1 (in part), 2-3 and 4 (in part), directed to a method for obtaining lumber that does not require termite-proofing, the method comprising injecting a tree trunk with a preparation comprising a neonicotinoid-based insecticide, a solvent miscible in water, and surfactant.

Applicants respectfully submit that claims 1-5 (and new claims 6-17) read on the above elected invention with claims 1-5 (and new claims 6-17) being generic.

For at least the reasons provided above, Applicants respectfully request examination of claims 1-5 (and new claims 6-17) as a single group, and withdrawal of the restriction requirement.

## II. New Claims 6-17:

New claims 6-17 are directed to various embodiments of Applicants' claimed method. Support for new claims 6-17 may be found throughout Applicants' original specification including, but not limited to, the following locations: page 6, line 36 to page 7, line 6 (claims 6-7); page 7, lines 11-26 (claims 8-9 and 16-17); and page 6, line 36 to page 7, line 6, and original claims 1-5 (claims 10-15).

## III. Conclusion:

Applicants submit that claims 1-17 define patentable subject matter. Accordingly, Applicants respectfully request allowance of these claims.

Should Examiner Pak believe that further action is necessary to place the application in better condition for allowance, Examiner Pak is respectfully requested to contact Applicants' representative at the telephone number listed below.

No additional fees are believed due; however, the Commissioner is hereby

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authorized to charge any deficiency, or credit any overpayment, to Deposit Account No. 503025.

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